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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,633	02/07/2002	David C. Grimm	260/177	2342

52082 7590 08/23/2007

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EXAMINER	
SALIARD, SHANNON S	
ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
08/23/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/071,633	GRIMM ET AL.	
	Examiner	Art Unit	
	Shannon S. Saliard	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 9, 10, 12, 16, 18, 23, 26, 28-31, 35, 38-44, 47, 49-51, 53, 54, 57, 59, 62, 64, 70-72, 75, 78, 80, 82, 83, 85, and 89-93* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/30/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-3,9,10,12,16,18,23,26,28-31,35,38-44,47,49-51,53,54,57,59,62,64,70-72,75,78,80,82,83,85 and 89-93.

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1, 2, 26, 70, and 71 and cancelled claims 33, 34, 68, 69. No claims have been newly added. Thus, claims 1-3, 9, 10, 12, 16, 18, 23, 26, 28-31, 35, 38-44, 47, 49-51, 53, 54, 57, 59, 62, 64, 70-72, 75, 78, 80, 82, 83, 85, and 89-93 remain pending and are presented for examination.

Response to Arguments

2. Applicant's amendments filed 30 May 2007, with respect to rejections of claims 1 and 26 under 35 U.S.C. 112, Second Paragraph, have been fully considered and are persuasive. Thus, the rejections of claims 1 and 26 under 35 U.S.C. 112, Second Paragraph have been withdrawn.

3. Applicant's arguments filed 30 May 2007 have been fully considered but they are not persuasive.

4. Applicant argues (with respect to claims 1-3, 9, 70, 71, and 75) that Baranowski nor Sim disclose teach, suggest, or disclose "an input/output device having a money receiver to enable said input/output device to receive cash and credit card payments". However, the Examiner relied on Helbling et al [US 5,797,126] for this teaching. In particular, Helbling et al discloses, "Essential to the kiosk...is a credit-card reader into which the patron can insert a credit card and which can read that credit card and notify the central station through the kiosk computer of the credit card information for verification and charging.... optional is a currency input unit which can receive currency,

verify the validity thereof and store the currency for collection at a later date. The currency unit is likewise connected to the computer" [col 8, lines 41-60]. Thus, the reservation system of Helbling that allows scheduling for admittance to a venue contains an input/output device for cash and credit card collection. Further, it is old and well known at the time of the invention that a kiosk can be a portable device and vice versa. Thus, making it obvious to combine the teachings of Baranowski with that of Helbling.

5. Applicant argues (with respect to claim 16) that Baranowski does not disclose a display monitor linked to said controller unit to enable guests to view and access wait times for non-reservation queue". However, Examiner disagrees. Baranowski shows in Figure 1 that the controller unit is linked to the portable device, since the portable device is linked to the base that is in turn linked to the controller unit. Further, Baranowski discloses, "Using the portable device, the customer can also view his or her itinerary...the system may also allow a customer to schedule or edit reservations...for example, if a customer see an attraction that he or she wishes to visit, but the line to do so is prohibitive, the customer can access the system controller using the portable device " [col 17,lines 33-40]. Thus, the portable device is linked to the controller unit and that the display monitor is capable of being used for viewing and accessing of information. Although, Baranowski does not specifically discloses that the display is used for viewing and accessing wait times for non-reservation queue, the functional limitations do not distinguish the claimed apparatus over the prior art; the limitations as written are merely the intended use of the display monitor. Hence, claims directed to an

apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly,* 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham,* 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 16 are disclosed by Baranowski as described above.

6. Applicant argues (with respect to claim 34) that neither Sim nor Baranowski teach or suggest limiting the number of selections from a particular category of attractions categorized by geography or popularity. However, Examiner submits that Sim discloses, "It may be a policy that every user gets a minimum number of rides...if...a park was lightly loaded in the morning but full in the afternoon, the morning attendees may have had a large amount of rides. These morning attendees could then be given a reduced number of rides in the afternoon to allow an increased number of rides to the late attendees" [col 12, lines 12-18]. Thus, the selection of rides is limited based on the number of people in the park. For example, if more people are in the park and the ride selection is limited based on the number, it is obvious that the more popular rides can only be rode once by each user. Further, Sim discloses at column 19,lines 14-20, "Enabling the system to concentrate the park users in certain areas at certain times....a certain proportion of the rides could be closed for part of the day without customer displeasure as they are not offered those rides when they are closed." Thus, the selection of the rides is limited [by the system] based on geography.

7. Applicant argues (with respect to claims 83, 85, 89, 90, 92, and 93) that the cited art does not disclose, "a queue system linked to said controller unit to control entry into the parking lot" and "a parking lot queue for allowing guests who pre-purchased parking passes." However, Examiner submits that Fulcher et al discloses, "Continuing the example of the "pay on foot" operational mode, when a user returns to a parking lot to retrieve his or her car, after making payment, a validated ticket is issued (step 634). This validated ticket may be the identical ticket originally submitted by the user, with no changes. Where no changes are made to the ticket, the machine 2 will, upon receipt of proper payment, amend the internal records concerning the ticket to reflect payment in full. The system may then allow the user to open an exit gate by presenting the ticket to the bar code scanner or other reader associated with the exit gate (step 636), and the user exits the lot (step 638) *[Examiner interprets this step as pre-payment for exiting through a parking lot queue linked to a controller to control entry into a parking lot*]. The time allowed for the user to exit the parking lot may be limited to, for example, 10 minutes to deter a user from making early payment and then failing to retrieve his or her car. In a preferred embodiment of the machine 2, the ticket presented to the reader associated with the exit gate returns the ticket to the user. The user thus is provided with a receipt, and the machine 2 need not make provisions for the storage and eventual disposal of returned tickets. In an alternative embodiment, the ticket may be altered by the machine 2 of the present invention when it is presented for payment, such as by printing "paid" on the ticket in either or both human and machine-readable form" [0120].

Applicant further argues that the cited art does not disclose "a park queue for allowing pre-sale attraction package holders to enter the park without any lines". However, Baranowski discloses in Figure 1 and the descriptions thereof that a user may purchase attraction package on the web. Baranowski further discloses, "As used herein, a wide-area facility is any commercial, recreational, educational, entertainment, historical, natural or other facility with premises that are physically dispersed so as to present problems to customers and visitors in finding their way around; locating the goods, services or attractions desired; or communicating with other members of their group. A wide-area facility may be a large single building, a complex of buildings or a facility spread over a number of square miles that includes indoor and outdoor, or just outdoor areas. Examples of such wide-area facilities include, but are not limited to, amusement parks, zoos, museums, shopping malls, national parks and monuments, historical sites, cruise ships, convention centers, etc. Some such facilities will host "customers," while other such facilities may not require an admission fee and, therefore, host "visitors."...As shown in FIG. 1, the primary interaction that a customer has with the system is through a portable device...the device (100) can also be used to manage the customer's schedule within the wide-area facility to avoid long lines. The device (100) may also allow the customer to make purchases or view advertisements, again, to avoid long lines at point-of-sale equipment" [col 4, lines 37-67]. The Examiner interprets the point-of-sale to be the entrance to the amusement park where purchases for admittance and attractions take place. Thus, Baranowski discloses avoiding lines at the park entrance for customers who have pre-paid.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 1-3, 9, 10, 12, 16, 18, 23, 26, 28-31, 35, 38-44, 47, 49-51, 53, 54, 57, 59, 70-72, 75, 78, 80, and 82** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski [US 6,813,608] in view of Sim [US 6,529,786] and Helbling et al [US 5,797,126].

As per **claims 1 and 70**, Baranowski discloses: an input/output device [col 6, lines 26-34]; a maintenance unit linked to said input/output device to store, receive, send, and process data wherein a portion of said processed data is the scheduling of a limited number of active reservations [col 5, lines 15-35; col 7, lines 1-13; col 15, lines 11-20; see Fig. 1]. Baranowski does not explicitly disclose processing a guest's schedule to accommodate both previous and current requests, wherein a portion of said processed data is the sale of a limited number of active reservations and a controller unit linked to the maintenance unit for directing access into the attraction. However, Baranowski discloses a controller can shift a customer's reservation into the future

(indicating that there was a previous reservation) [col 15, lines 44-52]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include processing a guest's schedule to accommodate both previous and current requests. Baranowski provides the motivation that the controller can better accommodate the whims and vagaries of customers [col 15, lines 61-64]. Additionally, Baranowski discloses the controller unit enables the gate or turnstile to the attraction to respond to a customer's code [col 16, lines 8-22]. Moreover, Sim discloses a gate unit comprising a turnstile mechanism controlled by the host computer [col 14, lines 63-67]; the gate units control access to the queue area [col 9, lines 63-65]. Sim further discloses that gate unit detects an identification code that is downloaded to the host computer (maintenance unit) to allow the user access through the gate units [col 10,lines 4-10]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include the system disclosed by Sim. Sim provides the motivation that access is controlled so that user's cannot access the wrong ride or access the ride at the wrong time [col 10, lines 15-17]. Additionally, Sim discloses that some or all attractions are individually priced or have separate tickets; guests can pay in advance and have the computer store the credit available. The prompter could display the credit periodically and act as an electronic ticket [col 17, line 64-col 18, line 2]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include wherein a portion of said processed data is the sale of a limited number of active reservations so that the park can maximize revenue by

charging for each individual attraction. Baranowski does not disclose a money receiver to enable said input/output device to receive cash and credit card payments. However, Helbling et al discloses an identifier device to enable said input/output device to identify valid ticket holders, [col 8, lines 45-50, printing coupon/slip entitling the patron to redeem the coupon for the tickets]; a credit card reader [col 8, lines 41-45]; and a printer for printing tickets from the input/output device [col 8, lines 45-48]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include the method disclosed by Helbling et al to facilitate ticket purchasing by allowing the purchaser to complete all transactions at a single

As per **claims 2 and 71**, Baranowski further discloses where said input/output device comprises: an interface system for guests to communicate with said input/output device [col 6, lines 26-30]; a processor to process and evaluate data submitted to said input/output device [col 6, lines 16-25]; a transmission device to receive and send data to and from said input/output device [col 6, lines 22-24]; and a storage device to store data within said input/output device [col 6, lines 18-21]. Baranowski does not disclose an identifier device to enable said input/output device to identify valid ticket holders; and a printer to print tickets or information from said input/output device. However, Helbling et al discloses an identifier device to enable said input/output device to identify valid ticket holders, [col 8, lines 45-50, printing coupon/slip entitling the patron to redeem the coupon for the tickets]; a credit card reader [col 8, lines 41-45]; and a printer for printing tickets from the input/output device [col 8, lines 45-48]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

invention of Baranowski to include the method disclosed by Helbling et al to facilitate ticket purchasing by allowing the purchaser to complete all transactions at a single location.

As per **claim 3**, Baranowski further discloses where said interface system enables communication between the guest and said input/output device through an interface device selected from the group consisting of a keyboard, a mouse, a touch screen monitor, or voice recognition system [col 6, lines 26-30].

As per **claim 9**, Baranowski does not disclose where said money receiver receives money and adds value to said guest card which can be used like a debit or credit card throughout the park. However, Helbling et al discloses a charge is sent to the user card for reservations and that a slip is issued which is redeemable for use in the park [col 8, lines 11-16]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include the method disclosed by Helbling et al so that the user does not have to pay for each transaction separately.

As per **claims 10 and 78**, Baranowski further discloses where said maintenance unit comprises: a storage device to store data within said maintenance unit [col 7, lines 7-10; col 14, lines 9-16]; a transmission device to receive and send data to and from other devices [col 5, lines 17-25]; a processor within said maintenance unit capable of performing multiple functions and calculations [col 15, lines 11-19]. Baranowski does not explicitly disclose an input device to enable employees to manually input data into said maintenance unit. However, Baranowski discloses an input device [col 6, lines 26-

30]. Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly,* 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham,* 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 10 are disclosed by Baranowski as described above. Also, as described above, the functional limitations in claim 10 do not distinguish the claimed apparatus from the prior art.

As per **claims 12 and 80**, Baranowski further discloses where said processor is capable of verifying valid ticket holders; as well as controlling park functions [col 16, lines 8-12, customer code specific to that customer is used to operate gate to enter attraction]. Baranowski does not explicitly disclose using algorithms to compute optimal reservation times and seating capacity. However, Baranowski discloses a user specifies the attractions he or she wants to visit and the controller creates a schedule [col 15, lines 11-20]. Furthermore, Sim discloses a queue manager calculates actual time and sequence of attendance at entrance queues in response to demand in the system to ensure that the users are asked to join the queue at a rate that would maximize utilization of a particular resource [col 17,lines 30-38]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include using algorithms to compute optimal reservation times and seating capacity so that the attractions are not filled over capacity.

As per **claim 16**, Baranowski further discloses an access terminal for manual entry of data into said controller unit [col 16, lines 8-13]; a transmission device to receive and send data to and from said controller unit to other devices [col 16, lines 12-19]; a queue system linked to the controller unit to control entry into the attraction [col 16, lines 8-12]. Baranowski does not explicitly disclose a processor to run the functions of said controller unit. However, Baranowski discloses a customer code opens the gate or turnstile [col 16, lines 8-10]. It is inherent that there is a processor to perform the function of opening. Baranowski does not disclose where said controller unit comprises: a display monitor linked to said controller unit to enable guests to view and access wait times for non-reservation queue and next available times for reservation queues, personal information, and park information. However, Baranowski discloses a customer may view an itinerary, time until the next or any subsequent reservation, an interactive map, and schedule the next reservation for the next available time [col 17, lines 33-48]. Additionally, the controller unit is linked to the portable device as shown in Fig. 1. Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly,* 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham,* 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 16 are disclosed by Baranowski as described above. Also, as described above, the functional limitations in claim 16 do not

distinguish the claimed apparatus from the prior art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include a display monitor linked to said controller unit to enable guests to view and access wait times for non-reservation queue and next available times for reservation queues, personal information, and park information so that a user does not waste time standing in line.

As per **claim 18**, Baranowski further discloses where said processor of the controller unit is able to process the information received from the maintenance unit and able to direct the reservation queue and non-reservation queue [col 16, lines 8-12].

As per **claim 23**, Baranowski does not explicitly discloses where said controller is linked to a queue system consisting of a reservation queue and a non-reservation queue. However, Baranowski discloses customer code is entered on keypad to open gate admitting the customer to the reserved attraction while bypassing any existing line [col 16, lines 8-12]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said controller is linked to a queue system consisting of a reservation queue and a non-reservation queue so that user that made advanced reservations do not have to wait in line.

As per **claim 26**, Baranowski discloses a method for scheduling admission of guests into attractions comprising the steps of: making a reservation at an input/output device prior to the guest's arrival at an attraction [col 15, lines 11-20]; relaying that request from said input/output device to a maintenance unit to be processed and

calculated to optimize the guest's schedule [col 15, lines 11-20]. Baranowski does not explicitly disclose admitting guests from a non-reservation queue to maximize attraction capacity by filling non-reserved seats with waiting guests. However, Baranowski discloses that a customer code is used to gain entrance to an attraction while bypassing any existing line for that attraction [col 16, lines 8-13]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include working in conjunction with a non-reservation queue to maximize attraction capacity by filling non-reserved seats with waiting guests so that the attraction can accommodate all guests. Baranowski does not disclose making a reservation request prior to the guest's arrival at an attraction up to the previously set limit for a particular ticket holder; relaying that request to a central processor to be processed and calculated to optimize the guest's schedule or reschedule the current schedule to include as many of the requested attractions subject to any limiting predetermined parameters; relaying the proposed schedule from said maintenance unit back to the input/output device to be accepted or rejected by the guest; relaying the acceptance or rejection from the input/output device to the maintenance unit in order to be updated by the data files of the system; relaying the confirmed reservation from the maintenance unit to a controller unit to enable valid reservation holders to gain access into a reservation queue. However, Sim discloses that the preferred time and sequence of rides is sent to the controller. The controller transmits messages to the prompters indicating the sequence and time of the rides [col 8, lines 5-15]. Sim further discloses activities involving multiple queues and the controlling computer can accept time and

sequence preferences from the user and the user can reset the sequence and time preferences at any time [col 9, lines 13-16] wherein gate units are at the entrance to an attraction and signals from the prompter are used to permit access through the gate units [col 9, line 61-col 10, line 17]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include the method disclosed by Sim. Sim provides the motivation that access is controlled so that user's cannot access the wrong ride or access the ride at the wrong time [col 10, lines 15-17]. Additionally, Sim discloses that when attractions are individually priced or have separate tickets, guests can pay in advance and have the computer store the credit [col 17, lines 64-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where the number of said selections allotted to each guest is limited to a certain number of active reservations by the type of ticket a ticket holder is issued so the park receives additional revenue depending on the number of rides reserved. Baranowski does not explicitly disclose where said selection is limited by a limited number of selections from a particular category of attractions categorized by geography or popularity. However, Sim discloses that a park manager may limit a number of hours of access to a particular activity [col 5, lines 17-20]. Sim further discloses that it may be the policy that every user get a minimum number of rides depending on time of registration [col 12, lines 11-19]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said selection is limited by a limited number of

selections from a particular category of attractions categorized by geography or popularity so that all customers can get a chance to visit a particular attraction.

As per **claim 28**, Baranowski further discloses where said input/output device uses an identifying device able to obtain information through an accessing device selected from the group consisting of a magnetic stripe, a bar code, or a microchip [col 16, line 47-col 17, line 32].

As per **claims 29 and 72**, Baranowski further discloses where said input/output device allows information and reservations to be accessed through an interface device selected from the group consisting of a touch screen monitor, keyboard, mouse, or voice interface [col 6, lines 26-34].

As per **claim 30**, Baranowski further discloses where said input/output device provides information concerning general park information, specific attraction information including news, updates, attraction description, wait times, reservation times still available, or general park information [col 17, lines 32-50; col 15, lines 20-30].

As per **claim 31**, Baranowski further discloses where said input/output device enables guests to make a selection for an attraction by choosing attractions, available times, or preferred times for attractions [col 15, lines 11-19].

As per **claim 35**, Baranowski does not disclose where the number of said selections allotted to each guest is limited to a certain number of active reservations by the type of ticket a ticket holder is issued. However, Sim discloses that when attractions are individually priced or have separate tickets, guests can pay in advance and have the computer store the credit [col 17, lines 64-67]. Therefore, it would have been obvious to

one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where the number of said selections allotted to each guest is limited to a certain number of active reservations by the type of ticket a ticket holder is issued so the park receives additional revenue depending on the number of rides reserved.

As per **claim 38**, Baranowski does not explicitly disclose where said schedule is designed to optimize the time of the guest based upon the requested attractions enabling the guest to enjoy as many of the requested attractions as possible in the allotted time without any conflicts and with time in between attractions to enjoy other attractions, meals, shops, and shows. However, Baranowski disclose that a user identifies attractions that he or she wishes to visit and the controller creates a schedule based on the itineraries of all the visitors [col 15, lines 11-20]. Baranowski further discloses that the controller can advise the user of the distance to the next attraction or shift the user's reservation time into the future [col 15, lines 31-60]. Moreover, Sim discloses the controlling computer determines the optimum sequence and time of rides [col 8,lines 5-10]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said schedule is designed to optimize the time of the guest based upon the requested attractions enabling the guest to enjoy as many of the requested attractions as possible in the allotted time without any conflicts and with time in between attractions to enjoy other attractions, meals, shops, and shows. Baranowski provides the motivation that the controller can better accommodate the whims and vagaries [col 15, lines 60-64].

As per **claim 39**, Baranowski does not explicitly disclose where said maintenance unit evaluates the request using an algorithm. However, Baranowski discloses that the controller creates a schedule based on all itineraries [col 15, lines 11-15]. Thus, there has to be some logic to create the schedule. Moreover, Sim discloses using appropriate algorithm to ensure users are invited to join the queue at the right time to maximize utilization [col 17, lines 30-38]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said maintenance unit evaluates the request using an algorithm. Baranowski provides the motivation that the controller can better accommodate the whims and vagaries [col 15, lines 60-64].

As per **claim 40**, Baranowski does explicitly disclose where said algorithm is designed to enable the guest to attend as many of the requested attractions with the least amount of time difference from the requested times all within the time frame requested by the guest while adhering to certain predetermined parameters to ensure favorable and maximum usage of the park. However, Sim discloses a user may enter preferences time and sequence of rides and the controlling computer will determine the optimum sequence and time of rides that will be transmitted to each prompter [col 8, lines 5-18]. Sim further discloses appropriate algorithms ensure that sufficient users are invited to join the physical queue at a rate that will maximize utilization of the particular resource [col 17, lines 30-37]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said algorithm is designed to enable the guest to attend as many of the

requested attractions with the least amount of time difference from the requested times all within the time frame requested by the guest while adhering to certain predetermined parameters to ensure favorable and maximum usage of the park. Sim provides the motivation that using an algorithm will maximize utilization of the particular resource [col 17, lines 30-38].

As per **claim 41**, Baranowski does not explicitly disclose where a guest's schedule can be further optimized by being rescheduled so that current reservations can be changed to accommodate both previous and current requests without losing the previous reservations. However, Baranowski discloses shifting the customer's reservation times into the future [col 15, lines 44-54]. Moreover, Sim discloses that a user also has the facility to reset sequence and time preferences at any time after registration [col 9, lines 12-16]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where a guest's schedule can be further optimized by being rescheduled so that current reservations can be changed to accommodate both previous and current requests without losing the previous reservations. Baranowski provides the motivation that dynamic scheduling allows the controller to better accommodate the whims and vagaries of customers [col 15, lines 61-64].

As per **claim 42**, Baranowski does not explicitly disclose where current reservations can be rescheduled to fit new requests without losing previously confirmed reservations by moving the previously confirmed reservation to a new time and placing the new request into the previously confirmed time slot. However, Baranowski discloses

that the controller can shift the customer's reservation into the future and to compensate for the shift the controller can attempt to reach a second customer with later reservation for the same attraction. The controller may ask the second customer to attend the attraction earlier than the schedules reservation [col 15, lines44-60]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where current reservations can be rescheduled to fit new requests without losing previously confirmed reservations by moving the previously confirmed reservation to a new time and placing the new request into the previously confirmed time slot. Baranowski provides the motivation that dynamic scheduling allows the controller to better accommodate the whims and vagaries of customers [col 15, lines 61-64].

As per **claim 43**, Baranowski does not disclose where said algorithm takes into account a number of variables including the time of year, current park attendance levels, the day of the week, the time of the month, the weather, the length of time to complete the attraction, the time it takes to walk from attraction to attraction, the time it takes for meals, the seating capacity of said attraction, the guest's prior reservation schedule and available number of reservations, the ratio of reservation holders to non-reservation holders allowed for said attraction, forecasted attendance, and other restrictions favorable to the movement and management of guests in and around a theme park. However, Sim discloses that a queue manager includes mean of calculating the actual time and sequence of attendance at queue entrances. The calculation is in response to user preferences, overall demand on the system, and

priority attached to a user [col 17, lines 30-35]. Sim further discloses that the queue manager takes input about how to deal with certain circumstances and uses this information to calculate and update a guest's itinerary [col 17, lines 56-63]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include the method disclosed by Sim. Sim provides the motivation that using an algorithm will maximize utilization of the particular resource [col 17, lines 30-38].

As per **claim 44**, Baranowski does not disclose where said algorithm results are relayed back to said input/output device to be accepted or rejected by said guest. However, Sim discloses that the controlling computer determines the optimum sequence and rides, the controlling computer will transmit messages to each of the prompters indicating the sequence and time of the rides [col 8, lines 5-17]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said algorithm results are relayed back to said input/output device to be accepted or rejected by said guest so that the user knows where they have to be and when they have to be there.

As per **claim 47**, Baranowski further discloses where said schedule containing reservations are relayed to the appropriate controller unit [col 16, lines 13-19].

As per **claim 49**, Baranowski further discloses where said attraction is accessed through two queues comprising: a reservation queue for guests who have reserved a position in advance; and a non-reservation queue for guests wishing to arrive at said attraction and wait for the next available seating [col 16, lines 1-12].

As per **claim 50**, Baranowski does not explicitly disclose where said maintenance unit works in conjunction with said controller to manage access to each attraction so as to fill each attraction to full capacity. However, Baranowski discloses that the controller creates a schedule based on all itineraries [col 15, lines 11-15]. Thus, there has to be some logic to create the schedule. Moreover, Sim discloses using appropriate algorithm to ensure users are invited to join the queue at the right time to maximize utilization [col 17, lines 30-38]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said maintenance unit evaluates the request using an algorithm. Baranowski provides the motivation that the controller can better accommodate the whims and vagaries [col 15, lines 60-64].

As per **claims 51 and 82**, Baranowski does not explicitly disclose where said maintenance unit directs said controller unit to fill unclaimed reservation seats with guests waiting in said non-reservation queue. However, Baranowski discloses that customer's with reservations are immediately admitted to the attraction through a preferential entrance without waiting in line. The customer with a reservation may be admitted ahead of line of the customers who do not have a reservation and are waiting on the traditional first come, first serve basis for entry [col 16, lines 1-7]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said maintenance unit directs said controller unit to fill unclaimed reservation seats with guests waiting in said non-reservation queue so that the attraction can be fully utilized.

As per **claim 53**, Baranowski further discloses where said reservation queue is accessed by guests with a guest card [col 16, lines 62-67].

As per **claim 54**, Baranowski further discloses where said guest card contains an accessing device selected from the group consisting of a magnetic stripe, bar code, or microchip [col 16, lines 62-67].

As per **claim 57**, Baranowski further discloses where said reservation queue verifies valid reservation holders through the use of an identifying device [col 16, lines 8-13].

As per **claim 59**, Baranowski further discloses where said reservation queue limits entrance into said reservation queue to valid reservation holders through the use of a barrier device [col 16,lines 8-13].

As per **claim 75**, Baranowski further discloses where said identifier device identifies guests by accessing a guest's data through the use of a guest card containing an accessing device selected from the group consisting of a magnetic stripe, a bar code, or a microchip [col 16, lines 62-67].

10. **Claims 62 and 64** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski [US 6,813,608] in view of Sim [US 6,529,786] and Helbling et al [US 5,797,126] as applied to claim 49 above, and further in view of Waytena et al [US 5,978,770].

As per **claim 62**, Baranowski does not disclose where said non-reservation queue includes a counting device to count the number of guests entering said non-

reservation queue. However, Waytena et al discloses a counting device for determining the physical number of people in the queue [col 5, lines 51-54]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include the method disclosed by Waytena et al. Waytena et al provides the motivation that tracking how many people are in the queue, the attraction computer is able to more accurately estimate current and future availability of the attraction for making reservation [col 5, lines 54-58].

As per **claim 64**, Baranowski does not disclose where said non-reservation queue wait times are determined through the use of an algorithm. However, Baranowski discloses wait time can be made available to customers [col 18, liens 40-45]. Sim further discloses that an algorithm is used to calculate optimum routes []. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include where said non-reservation queue wait times are determined through the use of an algorithm so that a user can get an accurate picture of how long the wait is at a particular attraction.

11. **Claims 83, 85, 89, 90, 92, and 93** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski [US 6,813,608] in view of Sim [US 6,529,786] and Helbling et al [US 5,797,126] as applied to claim 70 above, and further in view of Fulcher et al [US 2003/0132288].

As per **claim 83**, Baranowski further discloses Baranowski further discloses an access terminal for manual entry of data into said controller unit [col 16, lines 8-13]; a transmission device to receive and send data to and from said controller unit to other devices [col 16, lines 12-19]; a queue system linked to the controller unit to control entry into the attraction [col 16, lines 8-12]. Baranowski does not explicitly disclose a processor to run the functions of said controller unit. However, Baranowski discloses a customer code opens the gate or turnstile [col 16, lines 8-10]. It is inherent that there is a processor to perform the function of opening. Baranowski does not disclose where said controller unit comprises: a display monitor linked to said controller unit to enable guests to view and access wait times for non-reservation queue and next available times for reservation queues, personal information, and park information. However, Baranowski discloses a customer may view an itinerary, time until the next or any subsequent reservation, an interactive map, and schedule the next reservation for the next available time [col 17, lines 33-48]. Additionally, the controller unit is linked to the portable device as shown in Fig. 1. Baranowski does not explicitly disclose a park queue for allowing pre-sale attraction package holders to enter the park without any lines. However, Baranowski discloses that customer can avoid line at point of sale terminals by prepaying [col 4, lines 34-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include a display monitor linked to said controller unit to enable guests to view and access wait times for non-reservation queue and next available times for reservation queues, personal information, and park information and a park queue so

that a user does not waste time standing in line. Baranowski does not disclose a queue system linked to said controller unit to control entry into the parking lot of the park, and further comprises: a parking lot queue for allowing guests who pre-purchased parking passes. Fulcher et al discloses pre-paying for a parking pass that allows access to a parking lot through a gate [0120; 0100; 0101]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baraonwski to include the method disclosed by Fulcher et al so that customers can avoid waiting in lines as suggested by Baranowski.

As per **claim 85**, Baranowski further discloses where said processor of the controller unit is able to process the information received from the maintenance unit and able to direct the queue systems [col 16, lines 1-23].

As per **claim 89**, Baranowski further discloses where said display monitor may be accessed by guests to obtain personal and park information through said interface device selected from the group consisting of a keyboard, mouse, voice interface, touch screen monitor, or scanner that reads guest cards [col 6, lines 26-34; col 15, lines 20-30]. Baranowski does not explicitly disclose contains multiple screens. However, it would have been obvious at the time of the invention to provide multiple screens so that too much information is not jammed onto one screen.

As per **claim 90**, Baranowski further discloses where said attraction queue comprises: a barrier device linked to said controller device which limits entry into said reservation queue to valid reservation and pre-sale attraction package holders; an identifier device linked to said controller device which identifies valid reservation and

pre-sale attraction package holders to said controller device [col 16, lines 8-22]. Baranowski does not explicitly disclose a second barrier device linked to said controller unit which limits entry into the attraction until the attraction is available. However, Baranowski discloses that there is a preferential entrance for not waiting in line and that there is a standard entrance for patrons without reservations. Thus, indicating that there are two barrier devices to control admission to the attraction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include a second barrier device linked to said controller unit which limits entry into the attraction until the attraction is available so that customers with reservations do not have to wait in line.

As per **claim 92**, Baranowski does not disclose where said parking lot queue comprises: a blocking device linked to said controller unit which limits entry into the parking lot to guests with pre-purchased parking passes to pass; and an identifier device linked to said controller unit that reads or scans valid parking pass holders. Fulcher et al discloses pre-paying for a parking pass that allows access to a parking lot through a gate [0120; 0100; 0101]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baraonwski to include the method disclosed by Fulcher et al so that customers can avoid waiting in lines as suggested by Baranowski.

As per **claim 93**, Baranowski further where said park queue comprises: a barrier device linked to said controller unit which limits entry into the park further comprising: an

identifier device linked to said controller unit that reads or scans for valid pre-sale attraction package holders [col 16, lines 8-22; lines 62-67].

12. **Claim 91** is rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski [US 6,813,608] in view of Sim [US 6,529,786], Helbling et al [US 5,797,126], and Fulcher et al [US 2003/0132288] as applied to claim 83 above, and further in view of Waytena et al [US 5,978,770].

As per **claim 91**, Baranowski further discloses a barrier device linked to said controller unit which limits entry into the attraction until it is available [col 16, lines 8-10]. Baranowski does not disclose where said non-reservation queue comprises: a counting device linked to said controller unit, which counts the number of guests waiting in the non-reservation queue. However, Waytena et al discloses a counting device for determining the physical number of people in the queue [col 5, lines 51-54]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Baranowski to include the method disclosed by Waytena et al. Waytena et al provides the motivation that tracking how many people are in the queue, the attraction computer is able to more accurately estimate current and future availability of the attraction for making reservation [col 5, lines 54-58].

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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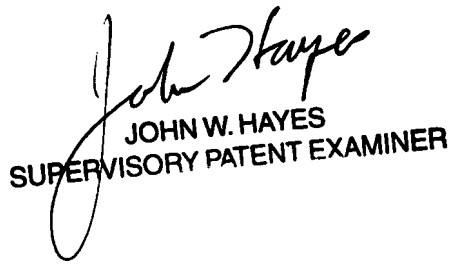

Shannon S Saliard
Examiner
Art Unit 3628

sss